

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 18,250
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his application for General Assistance (GA). The issue is whether the petitioner's appeal is untimely or moot.

FINDINGS OF FACT

1. In July 2002 the petitioner moved out of his parents' home and into a room in an apartment. At that time, he applied for GA in the Department's Morrisville district, where his parents' home is apparently located. The Department's records show that this application was denied.

2. The apartment that the petitioner moved into after he left his parents' home is located in the Department's St. Albans district. The petitioner maintains that sometime in August 2002 he went to the St. Albans district office and filed a written appeal "at the front window". The Department does not dispute that the petitioner may have done so, but the petitioner admits that he did not indicate to the St. Albans

district that the decision he was appealing came from another district.

3. The Department's records show that during the course of an interview with the petitioner by a caseworker in St. Albans in September 2002 the petitioner indicated he had an appeal pending of a GA decision. Again, it appears that the petitioner did not mention that the appeal concerned a decision made by another district office. The worker looked for but could find no record of any prior decision in the St. Albans office. Therefore, other than to note the petitioner's comments in the casefile, the worker took no further action.

4. The Board's records show that the petitioner was the subject of Fair Hearing No. 18,090, decided by the Board on February 3, 2003 (a copy of which is attached). That decision makes reference to the claim at issue here, although, as noted therein, it stemmed from a decision by the St. Albans office in October 2002. It appears that the St. Albans office discovered the reference to the petitioner's prior appeal in its case records after it received the Board's decision in Fair Hearing No. 18,090.

5. The petitioner does not dispute that the facts set forth in Fair Hearing No. 18,090 were the basis of his appeal of the decision by the Morrisville district in August 2002.

ORDER

The petitioner's appeal is dismissed as moot.

REASONS

Although problematic, it is unnecessary to determine whether the petitioner's appeal of the decision by the Morrisville district July 2002 is timely. This is because the Board has already essentially heard the same appeal based on a decision by the St. Albans district in October 2002.

The Board's decision in Fair Hearing No. 18,090 sets forth the circumstances of the petitioner's move in summer 2002. As found in that decision, the reason the petitioner was trying to move in August 2002 was that the apartment allegedly had no heat. Clearly, this alone would not have constituted an emergency need at that time. See W.A.M. § 2600A. Moreover, the record shows that the apartment did have heat by the time the petitioner applied for GA in St. Albans in October 2002.

Therefore, it must be concluded that by virtue of his appeal in Fair Hearing No. 18,090 the petitioner has had a full review of his eligibility for GA from July through October 2002. From that decision it is clear, albeit in retrospect, that in its denial of GA in July 2002 the

Morrisville district correctly determined that the petitioner was not facing an emergency need for housing. For this reason the petitioner's present appeal, regardless of whether it is timely, is dismissed.

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